

Serial No. 10/052,828
Morgan et al
Case No. CE08491R

REMARKS

Reconsideration of the above-referenced application is respectfully requested in view of the above amendments and these remarks. Pursuant to Applicants' amendments, claims 1-2, 4-20, 22-39 are currently pending. In this Amendment, Applicants amend claims 1, 11-16, 18-19, 30 and 38-39.

Applicant has amended claims 12-16 and 18 to correct an inadvertent error in the dependency of the claims. As originally filed, these claims depended on claim 10 when the correct dependency is upon claim 11.

In the Office Action, claim 11 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter with Applicants regards as the invention. Applicant has amended claim 11 to change "mile" to "mobile" thereby correcting a typographical error. It is therefore respectfully requested that the rejection under Section 112, second paragraph, be withdrawn.

Claims 1, 2, 4-6, 10-16, 18-20, 22-24, , 28-35 and 37-39 are rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent Application Publication No. 2003/0021255 A1 to Harris. Applicants have amended claims 1, 11, 19, 30 and 38-39 to overcome the rejection. The present invention is directed to the use of at least two communication resources that make up a reverse link between a mobile station and a base station within a wireless communication system. In particular, the present invention as evident by independent claims 1, 11, 19, 30, and 38-39 is directed to discontinuing use of a first communication resource of the reverse link when a trigger event occurs and transmitting mobile information on the second communication resource of the reverse link, which is operable for discontinuous transmission. Moreover, the trigger event indicates that the use of the first communication resource is not necessary. No new matter is added by way of this amendment and adequate disclosure can be found on page 6, lines 7-22. Thus, when the trigger event occurs, the reverse link discontinues use of the first communication resource, which the trigger event indicates is not necessary to continue communication on the reverse link, and uses the second communication resource to communicate between the mobile station and the base station.

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Harris does not disclose that use of the first communication resource is discontinued in response to a trigger event that indicates that the first communication resource is not necessary and transmits data on the second communication resource, which is for discontinuous communication. Harris is directed to switching between fundamental channel (FCH) and a dedicated control channel (DCCH) depending on if the forward or reverse link is interference limited on the FCH or the DCCH. As seen in the FIGs. 2-6 of Harris, if a FCH is interference limited then a DCCH channel is allocated to the speaker. Harris does not mention that either the FCH should not be discontinued if it is not necessary to use, it is only mentioned that the FCH traffic should be transferred if there is interference on that channel.

In view of the amendment to the claims, Applicant respectfully submits that claims 1, 11, 19, 30 and 38-39 are not anticipated under 35 U.S.C. § 102(a) by Harris. As claims 2, 4-6, 10, 12-16, 18-20, 22-24, 28-29 and 31-35 depend upon independent claims 1, 11, 19 and 30 and include each and every limitation of the independent claims, it is respectfully submitted that those dependent claims are also not anticipated under 35 U.S.C. § 102(a) by Harris. It is therefore respectfully requested that the rejection under Section 102(a) be withdrawn.

According to the Office Action, claims 7, 9, 25 and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Harris in view of United States Patent No. 6,108,550 to Wiorek et al. In addition, claims 8, 17, 26, and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Harris in view of United States Patent No. 6,011,960 to Yamada et al. Neither Wiorek nor Yamada supply the necessary teaching regarding discontinuing of transmission of mobile information in response to a trigger event, nor do they supply the necessary teaching regarding the trigger event indicating the use of the first communication resource is not necessary. Thus, no combination of Wiorek, Yamada and Applicants' admitted prior art teach or otherwise suggest all the limitations found in claims 7-10, 17-18, 25-28 and 36-37. It is therefore respectfully requested that the rejections under Section 103(a) be withdrawn.

As the Applicants have overcome all substantive rejections and objections given by the Examiner and have complied with all requests properly presented by the Examiner, the Applicants contend that this Amendment, with the above discussion, overcomes the

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Examiner's objections to and rejections of the pending claims. Therefore, the Applicants respectfully solicit allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter.

Please charge any fees associated herewith, including extension of time fees, to 50-2117.

Respectfully submitted,
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